



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MARY F. MCTIGUE  
DIRECTOR

December 30, 1993  
AO-93-35

John W. Delaney, Esq.  
Hale & Dorr  
60 State Street  
Boston, MA 02109

Re: Contributions by out-of-state ballot question committee to  
Massachusetts ballot question committee

Dear Mr. Delaney:

This letter is in response to your December 3, 1993  
request for an advisory opinion.

You have stated that your understanding is "that there is  
no restriction on a Massachusetts committee organized for the  
purpose of supporting or opposing a ballot question from  
obtaining support from an out-of-state political committee."  
You have also stated that you understand "that a Massachusetts  
political committee would be requested to report any amounts  
received from an out-of-state political committee along with  
the name and address of that committee."

You have asked if there is any restriction on an out-of-  
state political committee's ability to make a contribution to a  
Massachusetts ballot question committee where the out-of-state  
committee was organized to take a position on a ballot question  
in another state.

For the reasons which follow, you are correct that a  
Massachusetts ballot question committee may receive funds from  
an out-of-state political committee. However, an out-of-state  
political committee must report all such expenditures to this  
office, and an out-of-state political committee which solicits  
or receives funds explicitly for the purpose of supporting or  
opposing a Massachusetts ballot question must register and file  
periodic reports required by M.G.L. c. 55, s. 18(f).

1. If the out-of-state political committee is soliciting or  
receiving funds explicitly for the purpose of supporting or  
opposing a Massachusetts ballot question, it would be  
considered a "political committee," and must register with this  
office.

If an out-of-state political committee not only makes  
expenditures to support or oppose a Massachusetts ballot  
question, but also solicits or receives political contributions  
specifically for use, at least in part, to support or oppose a  
Massachusetts ballot question, it must comply with the  
disclosure, reporting, contribution and expenditure limitation  
requirements of M.G.L. c. 55.

See IB-82-01 (a copy is enclosed for information). If the out-of-state political committee indicates to contributors that contributions will be used to support or oppose a Massachusetts ballot question, the committee will be required to register as a Massachusetts political committee by filing a statement of organization with this office. In addition, the committee will be required to file all periodic reports specified in M.G.L. c. 55, s. 18(f).

2. If the out-of-state political committee merely makes a contribution to a Massachusetts committee, it will be treated as an "organization making a ballot question expenditure" and will be required to report the contribution to this office.

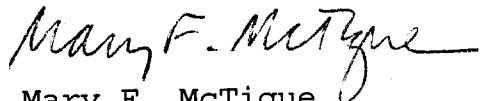
It has been the longstanding position of the office that any "organization making a ballot question expenditure" must disclose such expenditure to this office. See IB-88-01. Such organizations include out-of-state political committees. A committee which makes an expenditure, or which has given, paid, expended or contributed, or promised to give, pay, expend or contribute, any money or any valuable thing in order to influence or affect the vote on any question submitted to the voters in Massachusetts must file a report on Form CPF 112 (a copy of which is enclosed).

Form CPF 112 requires organizations (including out-of-state political committees) making expenditures to support or oppose ballot questions to provide the amount or value of every gift, payment, expenditure or contribution or promise to give, pay, expend or contribute, together with the date, purpose, and full name and address of the person to whom it was made. Reports must be filed as follows: (1) on or before the sixtieth day prior to the election, complete as of the preceding fifth day; (2) on or before the fifth day and twentieth day of each month complete as of the preceding first and fifteenth day of the month, until the election, and (3) thereafter on the fifth day of each month until all declared liabilities have been discharged. Reports need to be filed only for expenditures made during a given reporting period.

This opinion has been rendered solely on the basis of the representations made in your letter and solely in the context of M.G.L. c. 55.

Please do not hesitate to contact this office should you have additional questions about this or any other campaign finance matter.

Very truly yours,

  
Mary F. McTigue  
Director

MFM/cp  
Enclosures